

standards. Boundaries for each class are indicated in § 90.116(b).

(2) Emission standards for classes III, IV, V may be used only if an engine meets at least one of the following requirements:

(i) The engine must be used in a piece of equipment that is carried by the operator throughout the performance of its intended function(s);

(ii) The engine must be used in a piece of equipment that must operate multipositionally, such as upside down or sideways, to complete its intended function(s);

(iii) The engine must be used in a piece of equipment for which the combined engine and equipment dry weight is under 14 kilograms, no more than two wheels are present on the equipment, and at least one of the following attributes is also present:

(A) The operator must alternately provide support or carry the equipment throughout the performance of its intended function(s);

(B) The operator must provide support or attitudinal control for the equipment throughout the performance of its intended function(s); and

(C) The engine must be used in a generator or pump;

(iv) The engine must be used to power one-person augers, with a combined engine and equipment dry weight under 20 kilograms.

(3) Notwithstanding paragraph (a)(2) of this section, two-stroke engines used to power lawnmowers may meet class III, IV, or V standards until model year 2003.

(4) Notwithstanding paragraph (a)(2) of this section, two-stroke engines used to power snowthrowers may meet class III, IV, or V standards.

(5) Notwithstanding paragraph (a)(2) of this section, engines used exclusively to power snowthrowers or ice augers, at the option of the engine manufacturer, need not certify to or comply with standards regulating emissions of hydrocarbons. If the manufacturer exercises the option to certify to standards regulating such emissions, such engines must meet such standards. If the engine produced by the manufacturer is to be used in any equipment or vehicle other than a snowthrower or ice auger, it must be certified to the

applicable standard regulating emissions of hydrocarbons.

(b) Exhaust emissions will be measured using the procedures set forth in subpart E of this part.

§ 90.104 Compliance with emission standards.

(a) If all test engines representing an engine family have emissions less than or equal to each emission standard in a given engine displacement class, that family complies with that class of emission standards.

(b) If any test engine representing an engine family has emissions greater than any one emission standard in a given engine displacement class, that family will be deemed not in compliance with that class of emission standards.

(c) If catalysts are used in an engine family, the engine manufacturer must affirm that catalyst durability has been confirmed on the basis of the evaluation procedure that is specified in subpart E of this part.

§ 90.105 Useful life period.

A useful life period for engines subject to the provisions of subpart A of this part will be set by the Agency in the second phase of small engine regulation and will be promulgated no later than April 30, 1997.

§ 90.106 Certificate of conformity.

(a) Except as specified in § 90.2(b), every manufacturer of new engines produced during or after model year 1997 must obtain a certificate of conformity covering such engines; however, engines manufactured during an annual production period beginning prior to September 1, 1996 are not required to be certified.

(b)(1) The annual production period begins either when an engine family is first produced or on January 2 of the calendar year preceding the year for which the model year is designated, whichever date is later. The annual production period ends either when the last engine is produced or on December 31 of the calendar year for which the model year is named, whichever date is sooner.